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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,634	02/26/2002	Albert Modl	MODL3001/JEK	5404

23364 7590 11/30/2006

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EXAMINER
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AKHAVANNIK, HADI

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/926,634

Applicant(s)

MODL ET AL.

Examiner

Hadi Akhavannik

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

***Response to Arguments***

1. Applicant's arguments with respect to claims 16-33 have been considered but are moot in view of the new ground(s) of rejection.

Specifically, the applicant argues that Collet does not teach that the biometric data can be used on different systems for biometric authentication. In other words, the applicant argues that the teaching of Collet only enables authentication in one individual system for biometric authentication.

The examiner agrees. However, Bonneau Jr. (5581630) discloses using biometric information on multiple biometric systems such as cars, homes, etc.

Please see rejection below.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 17-18, 21-31 rejected under 35 U.S.C. 103(a) as being unpatentable over Collot et al. (5042073, referred to as "Collot" herein) in view of Bonneau Jr (5581630, referred to as "Bonneau" herein)

Regarding claim 17, Collot discloses a terminal for authentication by means of biometric data comprising a sensor arranged to detect one biometric feature (figure 1

and figure 2 and column 2 line 60 to column 4 line 12 disclose that a camera and reader are disclosed to capture signature data),

an I/O device for transferring data (column 3 lines 3-40 disclose transferring data),

and a control and data processing unit which is arranged to convert biometric data from the sensor which were derived from the at least one detected biometric feature into comparative data by an algorithm(column 3 lines 41-59 disclose a controller and figures 3-15 and column 4 line 12 to column 10 line 58 disclose converting the biometric using a processor by using multiple algorithms. Each algorithm creates a corresponding parameter file for the biometric. Specifically, column 8 lines 37-47 disclose creating parameters for each signature. The parameters that are stored include densities, counter points, and ratios of envelope. Column 4 line 60 to column 5 line 31 disclose storing the signature in many different ways. Each way, such as the number of contour points, represents a different algorithm that is used to store the signature in a different way. Therefore, Collot discloses storing a signature in a multitude of ways and each way of storing uses a different algorithm),

wherein at least two different algorithms are used to convert said biometric data from the sensor into said comparative data (columns 2-10 disclose that there are two algorithms that are used to convert the biometric data because one algorithm is used to transfer the data to the appropriate are of the terminal and a second algorithm is used to convert the biometric data to the proper parameter).

Collot does not explicitly disclose that each of the algorithms belong to a different system for biometric authentication.

Bonneau discloses different systems for biometric authentication (see figure 1 and column 2 line 32 to column 3 line 27 as it discloses providing many biometric terminals where a user can enter an optical media that contains biometric information. The different systems then read the biometric information to check for a match. Column 2 lines 32-35 disclose many locations.).

It would have been obvious at the time of the invention to one of ordinary skill in the art to include in Collot a multiple systems means as taught by Bonneau. The reason for the combination is because it makes for a more robust system that is able to check biometric information at many terminals thereby allowing biometric verification at many different locations and increasing security at each location.

Also see the motivation by Bonneau in column 3 lines 5-15 which disclose that the optical media the biometric info may be customized for each location to increase security.

Regarding claims 18, 23-24, Collot discloses that the reference data are transferred by the I/O device from the data carrier to the terminal, and wherein the control and data processing unit are arranged to check the reference data for a match with the comparative data (see the rejection of claim 17 above and figure 16 and column 8 line 51 to column 11 line 2 disclose checking if the reference data and stored data match by taking the difference data). All other aspects of claims 18 and 23-24 are addressed in the rejection of claim 17).

Regarding claims 21 and 25, Collot discloses that the sets of reference data and the algorithms used for generating the sets of comparative data have a characteristic identification, and wherein reference data and comparative data with the same identification are checked (column 10 line 45 to column 11 line 2 discloses that the corresponding signatures are compared by using the address identification).

Regarding claims 22, 26, and 31 Collot discloses that that the biometric information is a signature including writing dynamics (column 1 line 67 to column 2 line 35 disclose using signatures as biometric information and column 4 line 60 to column 5 line 33 disclose the different writing dynamics that are used).

Regarding claim 27, Collot discloses that several different sets of reference data are derived and stored, and several different sets of comparative data have been converted from detected biometric data, and wherein the several different sets of reference data are compared with the several different sets of comparative data for authentication (column 4 lines 20-64 and column 8 line 37 to column 11 line 3 discloses that sets of reference and comparative data are stored and compared for authentication).

Regarding claim 28, Collot discloses that the different sets of reference data and the different sets of comparative data are derived and converted from biometric data of the same kind which have been converted by different algorithms (the rejection of claim 27 discloses that signature biometric data is used).

Regarding claim 29, Collot discloses that the conversion of the different sets of reference data and comparative data starts out from different biometric data, which

Art Unit: 2624

have been converted by the same or by different algorithms (the rejection of claim 17 discloses that the conversion of the biometric data is done with each biometric data using its own key).

Regarding claim 30, Collot discloses that the comparison of several different sets of reference data with several different sets of comparative data, the authentication is decided positively if the majority of comparisons are positive (column 10 line 59 to column 11 line 3 disclose that the comparisons are made if a signature is valid or invalid depending on whether the signature passes a threshold against the reference signature).

3. Claims 16, 19, 20, 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collot in view Bonneau as applied to claim 17 above and in further view of Dunn et al (5987155 referred to as "Dunn" herein).

Regarding claim 16, please see the rejection of claim 17 above as Collot and Bonneau discloses all aspects of claim 16 except he does not explicitly disclose that the process is done on a portable data carrier.

Dunn does disclose a portable data carrier that is used in biometric authentication (figure 3 and column 7 lines 12-55 disclose that the smart card, which acts as the data carrier, can process biometric data to check for authentication).

It would have been obvious at the time of the invention to one in ordinary skill in the art to combine in Collot a portable data carrier that has a processor that can compare sets of biometric data as taught by Dunn in order to add another layer of security to the identification system and make for a more flexible system. Also, Collot

Art Unit: 2624

already uses a terminal to store the biometric information and this is just another way of processing the information. Further, both inventions are from the same field of endeavor of biometric identification.

Regarding claim 19, please see the rejection of claim 17 above and the rejection of claim 16 discloses that the smart card has data transferred to it and the smart card has a processor.

Regarding claims 20 and 32, please see the rejection of claim 17 above and the rejection of claim 16 discloses that the portable data carrier is a smart card.

Regarding claims 33, Collot discloses that that the biometric information is a signature including writing dynamics (column 1 line 67 to column 2 line 35 disclose using signatures as biometric information and column 4 line 60 to column 5 line 33 disclose the different writing dynamics that are used).

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2624

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Akhavannik whose telephone number is 571-272-8622. The examiner can normally be reached on 10:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on (571)272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HA  
11/21/06

  
JOSEPH MANCUSO  
SUPERVISORY PATENT EXAMINER